Sixteenth Annual Conference of the High Contracting Parties to Amended Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

6 February 2015
English
Original: French

Geneva, 12 November 2014

Summary record of the 2nd meeting
Held at the Palais des Nations, Geneva, on Wednesday, 12 November 2014, at 3 p.m.

President: Ms. Kairamo ..... (Finland)

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The meeting was called to order at 3 p. m.

General exchange of views (*continued*)

1. **Mr. Klymenko** (Ukraine), speaking in exercise of the right of reply, said that contrary to what had been stated by the representative of the Russian Federation, there had been neither a legitimate choice made by the population of the Crimea, nor had any so-called "free referendum" been held there, but rather a manoeuvre by illegitimate, self-proclaimed authorities leading to the peninsula's annexation — unrecognized by the international community — by the Russian Federation. The United Nations General Assembly had on 27 March 2014 adopted resolution 68/262 affirming its commitment to the sovereignty, political independence, unity and territorial integrity of Ukraine. The so-called "referendum" of 16 March thus had no validity. Ukraine called upon all States and international organizations and specialized agencies to refrain from recognizing any change in the status of the autonomous republic and the city of Sebastopol. The statements made by the Russian Federation concerning the situation in the south-eastern part of Ukraine denying its involvement in the fighting in the Donets basin were contradicted by the bolstering of the Russian military presence and the arrival of military equipment there, as witnessed by the National Security and Defence Council of Ukraine and the special observation mission of the Organization for Security and Cooperation in Europe (OSCE).

2. **Ms. Marcaillou** (Observer for the United Nations Mine Action Service), speaking on behalf of the 14 members of the Inter-Agency Coordination Group for Mine Action, said that the devastating effects of landmines, booby-traps and other devices were felt well after the end of hostilities, as proven in the daily reports of those involved in United Nations peacekeeping operations in places such as Afghanistan, Mali or Somalia. In Mali in particular, the United Nations Mine Action Service provided training, equipment, an organizational structure and advice to the national authorities, police and armed forces working in peacekeeping operations in respect of explosive hazard management and ammunition stockpile management. The United Nations for its part worked to raise awareness by disseminating teaching aids and providing technical assistance. In Myanmar, the Syrian Arab Republic and Nepal, the United Nations Children's Fund (UNICEF) carried out national education projects that included risk awareness training. The United Nations commitment to supporting the discussion of improvised explosive devices (IEDs) in the framework of amended Protocol II remained strong. The Secretary-General of the United Nations had stated that civil society was an indispensable partner of the Organization. Non-governmental organizations (NGOs), by virtue of their expertise and knowledge, made a useful contribution to the discussions held in the framework of the Convention on Certain Conventional Weapons and of amended Protocol II.

3. **Mr. Goose** (Observer for the International Campaign to Ban Landmines) said that in June two High Contracting Parties to the Convention on Certain Conventional Weapons, China and the United States of America, had communicated specific information on their respective stockpiles of anti-personnel mines, which had recently decreased considerably, to the third Review Conference of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (the Ottawa Convention). His organization welcomed that news and encouraged other High Contracting Parties, in particular the Russian Federation, India and Pakistan, to show the same transparency. It also welcomed new policy changes announced by the United States of America, which were an important step forward towards the total prohibition of anti-personnel mines and the ratification of the Convention. That country should go further still, specifically in respect of the exception it made in Korea. Such steps could encourage other countries to officially halt the production and acquisition of anti-personnel mines and to step up the destruction of their mine stockpiles.

4. Prior to the third Conference of the Ottawa Convention held in June 2014, his organization had challenged the States parties to fulfil their main obligations under that treaty, in particular the clean-up of mined areas, within 10 years. The States parties had thereafter themselves set a goal to accomplish that task by 2015. It would be good for the High Contracting Parties to the Convention on Certain Conventional Weapons to follow suit. He concluded by speaking out against attempts by two High Contracting Parties to silence the organization Geneva Call. Such efforts undermined cooperation with civil society in the framework of the Convention and with it, the Convention's very effectiveness.

Review of the operation and status of the Protocol (*continued*)

Consideration of matters arising from reports by High Contracting Parties according to article 13 (4) of the amended Protocol and of the deveiopment of technologies to protect civilians against indiscriminate effects of mines (*continued*)

Report on the operation and status of the Protocol (CCW/AP.II/CONF.16/5)

5. **Mr. Pusztai** (Coordinator on the operation and status of the Protocol) presented his report, which summarized the outcomes and conclusions of the meeting of the Group of Expert held on 1and 2 April 2014. As the Group of Experts had recalled the need to promote the universality of the Convention, he welcomed the accession to amended Protocol II of Iraq, the latest State to accede. The Group of Experts had also discussed the question of the status of original Protocol II, which had been unable to meet the humanitarian concerns raised by the massive use of anti-personnel mines in the early 1990s. The President had maintained contacts with the High Contracting Parties to original Protocol II that had not acceded to amended Protocol II with a view to encouraging their accession.

6. The experts had emphasized the importance of national reports, which provided useful information on the way the High Contracting Parties implemented the Convention, but the reporting rate remained too low. The Group, which had emphasized the information communicated under form D of the national annual report (on legislation relating to the Protocol), presented an analysis according to which 48 per cent of the High Contracting Parties that had submitted national annual reports had followed the instruction in the guide for the presentation of reports. Once national legislation was adopted, no further information was forthcoming to update the data or provide information on newly adopted instruments. The use of the summary sheets was apparently quite practical for such countries, which had nothing new to report regarding legislation, and whose data remained unchanged from the previous reporting period. During the meeting of the Group of Experts States were encouraged to exchange information on technical assistance and cooperation covered by article 11 of the Protocol.

7. **Mr. Bold** (Observer for the Geneva International Centre for Humanitarian Demining), presenting an exposé on tools and techniques to improve the effectiveness of mine clearance, said that demining methods had hardly evolved in the past 20 years. A technique known as land release made it possible to improve the effectiveness of mine clearance at less cost than traditional techniques. He showed a short video that explained that the size of potentially dangerous areas was often overestimated and could be reduced using a combination of technical and non-technical methods. In a first stage, non-technical methods were used to gather as varied and accurate information as possible. Later, technical readings were taken with specially trained dogs fitted with GPS devices and cameras and with detection equipment. It was thus possible to demarcate areas according to the probability that mines were present, and thus to release areas that were not dangerous more quickly. Areas considered dangerous were cleared using traditional demining techniques. Such methods were 10 times faster than conventional demining techniques, far less costly

and made it possible to clear 40,000 m^2 a day, instead of the 1,500 m^2 currently demined. The difficult part consisted in obtaining reliable information making it possible to establish a starting point for the demining operation in the middle of the dangerous area and then proceed to the outer limit of the area. The annual reports did not yet make it possible to obtain an overview of mine contamination. The system had been tested with the help of NGOs, and would be operational in 2015. It was simple to use and could reduce demining costs by as much as 75 per cent.

8. **Mr. Achal** (Observer for ITRES Research Limited Canada), presenting a PowerPoint presentation, described a discovery by his team of aerial imagery and hyperspectral detection specialists during electro-optical IED detection operations in Afghanistan. Thanks to imagery experiments of two high explosives, trinitrotoluene (TNT) and hexogen (RDX), the team observed that ants were removing grains of explosive and taking them to their ant hills. The same phenomenon had been noted in other places, in particular in Angola, where ants regularly attacked detonating cords containing penthrite (PETN), Eritrea, South Africa, Libya, Bosnia and Croatia. It had not been established why ants were attracted to such substances. As the explosives in question were rich in nitrogen, they could help to fertilize or provide a better chemical balance in the soil. It was possible that they were taken to be seeds, owing to their appearance and smell. They could also be recuperated by the ants for use in building and insulating their ant hills.

9. The discovery on various continents that explosives were thus dissipated by ants opened up possibilities for the production of mines that could now be designed to facilitate access to their explosive charges. Three holes in the casing, with 5 millimetre diameters, would suffice, and the explosive charges could be laced with a substance that attracted ants, such as powdered milk. That would make it possible for indigenous organisms to gradually and naturally biodegrade the mines, at minimal cost.

10. **Ms. Mouelhi-Rondeau** (Canada) asked about the impact of explosive powder dispersed into the environment.

11. **Mr. Achal** (Observer for ITRES Research Limited Canada) noted that the process was a relatively slow one which apparently did not involve a substantial environmental risk.

12. **Mr. Pusztai** (Coordinator on the operation and status of the Protocol) read out the recommendations made in paragraph 26 of the report.

13. **The President** took it that the Conference wished to adopt the recommendations.

14. *It was so decided.*

Improvised explosive devices (IEDs) (*continued*)

Report on improvised explosive devices (CCW/AP.II/CONF.16/4)

15. **Ms. Payne** (Coordinator on improvised explosive devices), presenting her report, described the discussions held on IEDs in the Group of Experts, which addressed exchange of information on IEDs; best practices for a possible database for exchanging information; measures to reduce the risk of military munitions stocks, explosive remnants of war, commercial explosives stocks or chemical precursors being used to produce IEDs; best practices in international cooperation and assistance; and incidents involving IEDs, the challenges faced by communities living with the associated ongoing threat and the efforts needed to strengthen their resilience.

16. **Mr. Shanahan** (Commander of the Australian Defence Force Counter IED Task Force) reported on the progress made in the trial programme known as "AXON – The Global IED Partnership" begun in April 2014, the aim of which was to establish a single, global database pooling all information on IED events. That tool should help ensure a better

understanding of the threat posed by such devices and encourage States and their armed forces and police to share unclassified information and work together with specialists.

17. Setting up a database to globally exchange information on IEDs would require availability and accessibility of information for both developed and developing countries and the establishment of a global lexicon and agreed standards. The main obstacle encountered had been the concern of potential participants over the release on the system of secure data. Yet it was a secure, online system, offering a mix of data-mining, analytical and collaboration functions, that was required by international enforcement services. The Australian Federal Police and the Australian Defence Force had fed national unclassified data on IEDs and related events into the system, and the United Nations Mine Action Service had provided precious information, in particular from peacekeeping operations in Somalia.

18. The programme had recently been prolonged until April 2015. It currently included 13 participant States or bodies, and it should grow in scale. The programme should be handed over to an international body with the means and the presence on the world scene required to ensure its management.

19. **Mr. Roche** (Friend of the Coordinator on improvised explosive devices) said that thanks to the assistance of the Implementation Support Unit, the unofficial documents that he and Ms. Payne had drawn up in 2013 were now available under symbol numbers CCW/AP.II/CONF.16/WP.3 ("The concept of an improvised explosive device (IED) information exchange database") and CCW/AP.II/CONF.16/WP.4 ("Reflections on improvised explosive devices"). On the basis of the discussions held in April 2014 during the meeting of the Group of Experts on the content of the document presenting reflections on IEDs and orientations for future work, he and Ms. Payne had drawn up recommendations for the High Contracting Parties. They appeared in paragraph 37 (section H) of the report on IEDs (CCW/AP.II/CONF.16/4).

20. The recommendations had been amended. The word "voluntary" had been added after "enhanced", in subparagraph (b), part (iv), and in subparagraph (c), part (i), the wording "if agreed by consensus" had been added after "on national counter-IED frameworks, which".

21. The subjects addressed throughout subparagraph (b) had been highlighted during the meeting of the Group of Experts held in April. If the High Contracting Parties approved the content, the Coordinators would make every effort to include one or more of those subjects in the exchange of information to be held in April 2015.

22. If the Conference adopted the recommendation to draw up a one-time questionnaire as proposed in subparagraph (c), part (i), a first version of the questionnaire could be drawn up by the end of the year. In April 2015 the Group of Experts would then draw up a more finished version which, if approved by consensus, would be sent to the States parties, with a reply requested from them by September 2015. A summary of the replies received would be submitted to the annual Conference of the High Contracting Parties in November 2015.

23. As for the recommendation in subparagraph (c), part (ii), the discussions held in April 2014 had shown that the establishment of a database, portal or platform for the exchange of information should continue to be discussed. The Coordinators hoped that the continuation of discussions on the drawing up of a questionnaire and on the possibility of establishing a database for exchanging information would make it possibly to strengthen the capacity of the High Contracting Parties in countering IEDs.

24. The meeting of the Group of Experts held in April 2014 had shown that the use of IEDs had extensive consequences that affected all States. According to the NGO Action on Armed Violence, the number of IED casualties had risen from 17,500 in 2011 to 27,000 in

2013. Several international and regional organizations had launched initiatives to combat that scourge. As the hazards of IEDs restricted the ability of the international community to carry out peacekeeping operations, the United Nations Mine Action Service had been assigned the task of drawing up a counter-IED policy. It was true that the international instruments on the use of weapons contained no provisions on the use of IEDs by civilians. However, amended Protocol II provided States with a legitimate legal basis allowing them to address the subject. He believed that the adoption of a legally binding instrument could not solve the problem. It would apparently be more effective to draw up guidelines and recommendations for States, a voluntary code of conduct or a programme of action. The direction to be taken by the Conference's work in the long term should immediately be discussed, along with the question of whether substantive work on IEDs should be undertaken.

25. **The President** said that she took it that the Conference would like to adopt the recommendations in paragraph 37 of the report, as amended.

26. *It was so decided.*

Report(s) of any subsidiary organ(s)

27. **The President** noted that no new subsidiary organs had been set up and that the work of the main subsidiary organ, the Group of Experts, had already been considered in detail.

Adoption of the estimated costs for 2015 (CCW/AP.II/CONF.16/2 and CCW/AP.II/CONF.16/3)

28. **The President** suggested that the High Contracting Parties adopt the estimated costs of the 2015 meeting of the Group of Experts of the High Contracting Parties to amended Protocol II (CCW/AP.II/CONF.16/2) and the estimated costs of the Seventeenth Annual Conference of the High Contracting Parties to Amended Protocol II (CCW/AP.II/CONF.16/3). She drew the attention of the Conference to the question of summary records, the usefulness of which had been called into question by some States, and recalled that the drafting of those records represented between 15 and 17 per cent of the overall budget for the High Contracting Parties. A suspension of rule 35, paragraph 1, of the rules of procedure, which called for the preparation of summary records, would make significant savings possible. Summary records could, however, be drawn up in the event of the adoption of a new instrument or the amendment of amended Protocol II.

29. **Mr. Mundru** (India) said that for the time being his country was not in a position to approve the discontinuation of summary records.

30. **The President** suggested including in the final document of the Conference a paragraph with the following wording: "The Conference noted that some States questioned the usefulness of the summary records with regard to their cost. The President-designate will continue to conduct informal consultations in order to find a solution acceptable to all High Contracting Parties."

31. *The estimated costs for 2015 were adopted.*

Other matters

32. **The President** noted that no delegations had expressed the wish to take the floor under the agenda item.

Consideration and adoption of the final document (CCW/AP.II/CONF.16/CRP.1)

33. **The President** drew attention to the draft final document of the Sixteenth Annual Conference of the High Contracting Parties to Amended Protocol II (CCW/AP.II/CONF.16/CRP.1), published in English only, and invited the Conference to consider it, section by section.

Section I (Introduction)

Paragraphs 1–7

34. *Paragraphs 1 to 7 were adopted.*

Section II (Organization of the Sixteenth Annual Conference)

Paragraphs 8–15

35. *Paragraphs 8 to 15 were adopted.*

Section III (Work of the Sixteenth Annual Conference)

Paragraphs 16–19

36. *Paragraphs 16 to 19 were adopted.*

Paragraph 20

37. **Mr. Sano** (Japan) said that Japan should be added to the list in paragraph 20 of States that had taken part in the general exchange of views.

38. *Paragraph 20, as amended, was adopted.*

Paragraph 21

39. **Mr. Levon** (Israel) said that Israel should be added to the list in paragraph 21 of countries that had submitted national reports.

40. *Paragraph 21, as amended, was adopted.*

Paragraph 22

41. *Paragraph 22 was adopted.*

Section IV (Conclusions and recommendations)

Paragraphs 23–28

42. *Paragraphs 23 to 28 were adopted.*

Paragraph 29

43. **The President** said that paragraph 29 would be changed to include the amendments adopted by the Conference to the recommendations in paragraph 37 of the report on improvised explosive devices (CCW/AP.II/CONF.16/4).

44. *Paragraph 29, as amended, was adopted.*

Paragraph 30

45. **The President** said that in paragraph 30 the dates "15 and 16 April 2015" should be replaced with "9 and 10 April 2015".

46. *Paragraph 30, as amended, was adopted.*

Paragraphs 31–32

47. *Paragraphs 31 and 32 were adopted.*

Paragraph 33

48. **The President** said that the name "Ms. Filloreta Kodra, Ambassador of Albania", nominated as President-designate of the Seventeenth Annual Conference, should be replaced with "Mr. Raimonds Jansons, Ambassador of Latvia".

49. *Paragraph 33, as amended, was adopted.*

Annexes I–V

50. **The President** pointed out that the secretariat would add to annex III the list of the States that had most recently submitted annual reports.

51. *Annexes I to V were adopted.*

52. The draft final report of the Sixteenth Annual Conference of the High Contracting Parties to Amended Protocol II as a whole, as amended, was adopted.

Closure of the Conference

53. After the customary exchange of courtesies, the President declared the Sixteenth Annual Conference of the High Contracting Parties to Amended Protocol II closed.

The meeting rose at 5.10 p.m.